

Congress of the United States
Washington, DC 20515

February 3, 2022

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Dear President Biden,

Prior to taking any offensive military action relating to Russian aggression towards Ukraine, including sending troops into Ukraine, the U.S. Constitution requires that you receive congressional approval. The Constitution is clear, only Congress has the power to declare war. Reflecting on escalating tensions over the last two months, we are concerned you may hastily send troops into Ukraine at the first sign of Russian intrusion.

On December 7, 2021, during a call with President Putin, you warned him “of tough economic sanctions if [he] invaded Ukraine.”¹ On December 30, 2021, you again threatened sanctions against Russia if they invaded Ukraine.² Earlier this year, U.S. intelligence agencies stated that Russia is planning to invade Ukraine.³ On January 24, 2022, Defense Secretary Lloyd J. Austin ordered 8,500 American troops on “high alert” for possible deployment to Eastern Europe.⁴ On January 28, 2022, it was reported that you would be sending U.S. troops to Eastern Europe.⁵ On February 2, 2022, you approved the deployment of 3,000 troops to Eastern Europe.

With growing tensions between Russia, Ukraine, and our NATO allies, we want to remind you of your constitutional duty to seek congressional approval before taking offensive action and committing troops to what could be a serious, deadly, and long-lasting conflict. The founders deliberately chose to give the power to declare war to Congress because, according to James Madison, “[t]he constitution supposes, what the History of all Government demonstrates, that the Executive is the branch of power most interested in war, & most prone to it. It has accordingly with studied care, vested the question of war in the Legislature.”⁶ The Constitution and the founders were clear, the president does not have the authority to commit American troops to war.

Congress must weigh and determine whether military actions around the world are in the national interest. If you believe deployment of American troops is a possibility, you must bring

¹ <https://www.washingtonpost.com/world/2022/01/08/russia-us-nato-putin-ukraine/>

² Id.

³ <https://www.cnn.com/2022/01/14/russia-could-invade-ukraine-within-next-month-us-intelligence.html>

⁴ <https://www.nytimes.com/2022/01/24/us/politics/russia-ukraine-us-troops.html>

⁵ <https://www.foxnews.com/politics/president-biden-sending-troops-to-eastern-europe-as-ukraine-turmoil-intensifies>

⁶ https://press-pubs.uchicago.edu/founders/documents/a1_8_11s8.html

your arguments to Congress soon to prevent entering an unconstitutional conflict. Without our consultation and approval, no offensive action can be taken.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andy Biggs". The script is fluid and cursive.

Andy Biggs

A handwritten signature in blue ink, appearing to read "Matt Gaetz". The script is fluid and cursive.

Matt Gaetz

A handwritten signature in blue ink, appearing to read "Dan Bishop". The script is fluid and cursive.

Dan Bishop